

Message Text

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TAGS: MARR, PFOR, AFSP, SP

SUBJECT: US-SPANISH COUNCIL: SHARING OF ADMINISTRATIVE
COSTS

REFS: A) MADRID 4319/031658Z JUN 77
B) USCINCEUR 201308Z JUN 77

1. STATE AND DOD CONCUR IN FOLLOWING GUIDANCE IN RESPONSE
TO QUESTIONS RAISED IN REFERENCE A REGARDING SHARING OF
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ADMINISTRATIVE COSTS OF THE US-SPANISH COUNCIL AND ITS
SUBSIDIARY ORGANS.

2. INTERPRETATION OF PHRASE "PERMANENT ADMINISTRATIVE
COSTS": BASED ON OUR REVIEW OF THE NEGOTIATING HISTORY OF
THE TREATY AND CONSIDERATION OF THE THRUST OF ARTICLE VI
OF SUPPLEMENTARY AGREEMENT NO. 1, WE BELIEVE IT IS REASON-

ABLE TO INTERPRET THE PHRASE "ADMINISTRATIVE SUPPORT FOR MEETINGS OF THE COUNCIL AND ITS SUBORDINATE BODIES" AS RELATING TO THE EXPENSES ARISING DIRECTLY FROM SUCH MEETINGS, E.G., INTERPRETERS, EXTRA SECRETARIAL ASSISTANCE, ETC., RATHER THAN THE MORE OR LESS FIXED USE - RELATED COSTS OF KEEPING THE BUILDING OPEN. SUCH USE-RELATED COSTS COULD THUS BE PROPERLY INCLUDED AS "PERMANENT ADMINISTRATIVE COSTS" SO LONG AS THE DISTINCTION IS MAINTAINED BETWEEN

COSTS RELATED TO THE USE OF THE BUILDING AND THE COSTS OF MAINTAINING THE BUILDING, THE LATTER COMING WITHIN THE SPANISH GOVERNMENT'S OBLIGATION TO PROVIDE SUITABLE FACILITIES. SUCH "PERMANENT ADMINISTRATIVE COSTS" MAY BE DIVIDED EQUALLY, PURSUANT TO THE TREATY.

3. CIVILIAN USE OF THE NEW BUILDING: WE ACCEPT THE SPANISH PROPOSAL TO PROVIDE OFFICE SPACE AT THE NEW BUILDING FOR THE JOINT PRO;RAM ADMINISTRATION STAFF TO SUPPORT THE JOINT COMMITTEES ON E&C AND S&T COOPERATION, AND REMAIN PREPARED TO ACCEPT OUR SHARE OF THE ADMINISTRATIVE EXPENSES AND SALARIES OF THIS STAFF, TO INCLUDE USE-RELATED COSTS OF OCCUPYING THAT SPACE AS DEFINED IN PARA 2 ABOVE. FURTHER, WE HAVE NO OBJECTION TO THE SPANISH IDEA OF SETTING ASIDE TOKEN OFFICE SPACE FOR USE BY THE SPANISH SIDE OF THE PERMANENT SECRETARIAT, BUT OF COURSE COULD NOT AGREE TO SHARE ANY OF THE EXPENSES OF THAT OFFICE, SINCE
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OUR OWN ENGAGEMENT IN THE SECRETARIAT WOULD REMAIN LIMITED TO THE PRESENT ARRANGEMENT OF USING EMBASSY PERSONNEL.

4. FUNDING OF CIVILIAN ADMINISTRATIVE COSTS: THERE IS NO QUESTION IN OUR VIEW AS TO THE PROPRIETY OF USING TREATY FUNDS TO COVER THE US SHARE OF ADMINISTRATIVE COSTS OF CIVILIAN PROGRAMS OF COOPERATION UNDER THE TREATY. THIS APPROACH HAS BEEN SPECIFICALLY AGREED BETWEEN THE RESPECTIVE CO-CHAIRPERSONS OF JOINT COMMITTEES ON E&C AND S&T COOPERATION. FURTHER, NO OTHER FUNDS ARE AVAILABLE TO THE DEPARTMENT UNDER CURRENT OR EXPECTED APPROPRIATIONS FOR SUCH PURPOSES. WE DO NOT BELIEVE THAT CONGRESS WOULD BE RECEPTIVE TO A REQUEST FOR NEW APPROPRIATIONS, PARTICULARLY SINCE IN OUR PRESENTATIONS TO CONGRESS AT THE TIME OF SENATE REVIEW OF THE TREATY AND HOUSE ACTIONS ON THE FIRST YEAR OF FUNDING, WE INDICATED THAT NO ADDITIONAL RESOURCES WERE LIKELY TO BE NEEDED FOR IMPLEMENTATION.

5. DIVISION OF ADMINISTRATIVE COSTS BETWEEN CIVILIAN AND MILITARY ELEMENTS: DOD WILL BE RESPONSIBLE ONLY FOR THOSE COSTS PROPERLY CHARGEABLE TO DOD FOR PARTICIPATION BY ITS MEMBERS IN THE US-SPANISH COUNCIL AND ITS SUBORDINATE

BODIES. IT WOULD THEREFORE NOT BE APPROPRIATE FOR DOD FUNDS TO BE USED TO PAY EXPENSES FOR SPACE IN THE NEW BUILDING USED FULL-TIME FOR NON-MILITARY PURPOSES. WITH REGARD TO THE BASIS FOR DIVIDING THE US SHARE OF TOTAL EXPENSES, SEVERAL FORMULAS WOULD SEEM FEASIBLE AND NOT BE IDENTICAL TO WHATEVER FORMULA THE SPANISH ADOPT. PRESUMABLY ANY ACCEPTABLE FORMULA WOULD BE BASED ON USE OF THE FACILITIES. THE EMBASSY'S SUGGESTION OF SQUARE FOOTAGE OF OFFICE SPACE, WITH MEETING ROOMS AND OTHER

COMMON FACILITIES DIVIDED EQUALLY, SEEMS ACCEPTABLE, BUT OTHER METHODS BASED ON ESTIMATED HOURS OF USE OR NUMBERS OF PERSONNEL COULD ALSO BE DEVELOPED. THERE ARE LIKEWISE VARIOUS ARRANGEMENTS WHICH COULD BE DEVELOPED
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FOR PROCUREMENT OF SUPPLIES, CONTRACTING FOR SERVICES, AND SUBMISSION AND PAYMENT OF BILLS. USCINCEUR OFFERED CERTAIN RECOMMENDATIONS ON SUCH ARRANGEMENTS IN REF. B. EMBASSY IS REQUESTED TO DEVELOP, IN COORDINATION WITH USCINCEUR, AN AGREED PROCEDURE FOR DIVIDING AND PAYING THE RESPECTIVE MILITARY AND CIVILIAN EXPENSES WHEN THE US SHARE EXPENSES HAS BEEN AGREED WITH GOS. THAT AGREED PROCEDURE SHOULD BE SUBMITTED TO STATE AND DOD FOR REVIEW AS SOON AS POSSIBLE TO AVOID DELAYS IN MEETING CURRENT EXPENSES.

6. IN CONVEYING US RESPONSE TO GOS, EMBASSY MAY WISH TO STRESS OUR GENERAL SATISFACTION WITH TREATY IMPLEMENTATION AND OUR READINESS TO WORK OUT QUESTIONS OF COST OR OTHER ADMINISTRATIVE PROBLEMS IN FAIR AND CONSTRUCTIVE WAY, WHILE ALSO RECOGNIZING THAT BOTH SIDES MUST WORK WITHIN THE STRUCTURES AND LEGISLATIONS OF THEIR RESPECTIVE GOVERNMENTS. VANCE

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